

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Charles William Carter,	:	
Plaintiff	:	Civil Action 2:06-cv-918
v.	:	Judge Sargus
Michael Sheets, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendant	:	

**Order**

Plaintiff Charles William Carter, an inmate at Ross Correctional Institution ("RCI"), brings this prisoner civil rights action under 42 U.S.C. §1983 alleging that defendants violated his constitutional rights under the First, Fifth, and Fourteenth Amendments. This matter is before the Court on plaintiff Carter's September 18, 2007 motion for leave to reopen and join (doc. 49), October 7, 2004 motion for a preliminary injunction (doc. 50), October 11, 2007 motion to compel (doc. 52), December 31, 2007 motion for preliminary injunction (doc. 56), January 15, 2008 motion for leave to file supplemental pleading (doc. 57), and April 4, 2008 motion to alter or amend (doc. 63). Each will be considered separately below.

**Motion for leave to reopen (doc. 49).** Carter seeks to reopen *Carter v. Hurley*, 2:05-cv-807 because defendants rely on the disposition of that case to defend this lawsuit. That is not a ground to reopen. On January 31, 2006, judgment was entered

against plaintiff in 2:05-cv-807. Carter appealed; and on July 12, 2006, the Court of Appeals affirmed the trial court's decision. Plaintiff cannot now reopen 2:05-cv-807 because it has gone to a final judgment that was affirmed on appeal. The motion for leave to reopen (doc. 49) is DENIED.

**October 4, 2007 motion for preliminary injunction (doc. 50).** Carter asserts that unnamed defendants have continued to retaliate against him and deny him access to the courts. The Court's August 14, 2008 Order (doc. 71) dismissed all defendants except defendant librarian Williams. The motion for preliminary injunction does not allege that Williams has engaged in any conduct entitling Carter to injunctive relief. Further, plaintiff does not support the motion with an affidavit or other evidence demonstrating the likelihood that he will prevail on the merits of the underlying lawsuit. Plaintiff's October 4, 2007 motion for preliminary injunction (doc. 50) is DENIED.

**Motion to compel (doc. 52).** Plaintiff asserts that defendants have failed to respond to discovery requests. He does not attach the discovery requests or defendants' responses to them. Accordingly, the October 11, 2007 motion to compel (doc. 52) is DENIED without prejudice to renewing it by filing a new motion supported by copies of the discovery requests and the responses to them.

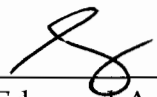
**December 31, 2007 motion for preliminary injunction.** Carter complains that he has always been permitted a second 2.4 cubic foot locker to store his legal materials, but that he was recently denied a second locker. Defendant librarian Williams is not alleged to have had anything to do with the alleged unconstitutional deprivation.

Further, plaintiff does not allege that he was denied access to his legal materials, only that access is now more cumbersome. Accordingly, plaintiff's December 31, 2007 motion for a preliminary injunction (doc. 56) is DENIED.

**Motion for leave to file supplemental pleading.** Plaintiff seeks leave to join nine new defendants. None of the allegations against these new parties is sufficiently related to the conduct at issue in the original complaint to permit a supplemental pleading. The January 15, 2008 motion for leave to file a supplemental pleading (doc. 57) is DENIED.

**Motion to alter or amend (doc. 64).** Plaintiff's April 4, 2008 motion to alter or amend the Court's March 26, 2008 Order is DENIED. The Court's August 14, 2008 Order (doc. 71) has ruled on whether the complaint states a claim against defendants. Nothing argued in the April 4 motion would change that result.

**Summary.** For the reasons stated above, plaintiff Carter's September 18, 2007 motion for leave to reopen and join (doc. 49), October 7, 2004 motion for a preliminary injunction (doc. 50), October 11, 2007 motion to compel (doc. 52), December 31, 2007 motion for preliminary injunction (doc. 56), January 15, 2008 motion for leave to file supplemental pleading (doc. 57), and April 4, 2008 motion to alter or amend (doc. 63) are all DENIED.

 9-5-2008  
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Edmund A. Sargus, Jr.  
United States District Judge